**From:** Kevin M. Squire
**To:** Microsoft ATR
**Date:** 1/23/02 6:27pm
**Subject:** Microsoft Settlement


Dear Sir/Madam:

   I have some concerns about the recent DOJ/Microsoft settlement that I'd
like to share.  Specifically, the settlement does not prevent Microsoft
from discriminate against open source software, potentially one of
Microsoft's greatest competitors.

   I am a Ph.D. student and researcher who depends on non-Microsoft
operating systems (mainly GNU/Linux) for my work.  My research involves
programming on PC's and an embedded system (in a robot) for which running
Microsoft Windows is neither much of an option, nor is it desirable.  For
day to day tasks, the sheer ubiquity of Microsoft Operating Systems and
Microsoft-specific data formats (specifically Word and multi-media
formats), and the extreme difficulty in reading these formats under Linux,
often means that I have to find another machine from which to handle
documents from collegues or on the web.  This is annoying.

   A few companies and open source groups are working on ways to run MS
Windows programs under Linux and other non-Microsoft operating systems.
Specifically, an open source group (www.winehq.org) and a company called
Codeweavers (www.codeweavers.com), among others, are working on versions
of Wine, a Windows Emulator.  This project, as it matures, has the
potential of providing serious competition to Microsoft, by allowing users
to use non-Microsoft operating systems, yet still use MS Windows-based
products.  Other open source projects, such as AbiWord (www.abisource.org)
and KWord (http://www.koffice.org/kword/), attempt to read or translate
Microsoft Word documents.

   The DOJ/Microsoft settlement tries to encourage competition, yet fails
to do much at all to benefit important competitors such as the
above-mentioned projects.  One potential benefit would be to allow access
to Microsoft APIs and file formats to such open source projects.  This
would help these projects flourish and offer more viable choices to
consumers.  Another, more important consideration, would be to include
open source projects in the list of ISVs against which Microsoft should
not discriminate.  For example, both the Microsoft Windows Media Encoder
7.1 SDK EULA, and the Microsoft Platform SDK EULA prohibit redistribution
of (normally distributable) components with publicly available software or
on non-Microsoft operating systems, respectively.  Nothing in the
DOJ/Microsoft agreement prohibits this discrimination, which again, has
the potential to limit competition from open source projects.

   While the DOJ/Microsoft settlement does somewhat address Microsoft's

anti-competitive behavior, I hope that you consider using this opportunity to modify the settlement such that it encourages more competition from open source projects, and by closing potential loopholes that Microsoft could use to engage in anti-competitive behavior in the future.

  Thank you for your time.

Sincerely,

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